

No. 6832

United States
Circuit Court of Appeals
For the Ninth Circuit.

In the Matter of

SABURO HIGA,

On Habeas Corpus.

SABURO HIGA,

Appellant,

vs.

A. E. BURNETT, District Director, United States Immi-
gration Service, District No. 31,

Appellee.

Transcript of Record.

Upon Appeal from the United States District Court for the Southern
District of California, Central Division.

FILED

JUL 11 1932

**PAUL P. O'BRIEN,
CLERK**

No.

United States
Circuit Court of Appeals
For the Ninth Circuit.

In the Matter of

SABURO HIGA,

On Habeas Corpus.

SABURO HIGA,

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vs.

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original record are printed literally in italic; and, likewise, cancelled matter appearing in the original record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italics the two words between which the omission seems to occur.]

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Names and Addresses of Attorneys.

For Appellant:

J. EDWARD KEATING, Esq.,

THEODORE E. BOWEN, Esq.,

Chapman Building, Los Angeles, California.

For Appellee:

SAMUEL W. McNABB, Esq.,

United States Attorney;

P. V. DAVIS, Esq.,

Assistant United States Attorney,

Federal Building, Los Angeles, California.

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA, CENTRAL DIVISION.

In the Matter of) No. 10506-J.
SABURO HIGA)
On Habeas Corpus.) CITATION.
-----)

To A. E. BURNETT, District Director, United States Immigration Service, District No. 31: GREETING:

You are hereby cited and admonished to be and appear at a United States Circuit Court of Appeals for the Ninth Circuit, to be held at the City of San Francisco, in the State of California, on the 15 day of July, 1932, pursuant to an Order Allowing Appeal, filed in the Clerk's office of the District Court of the United States, in and for the Southern District of California, in that certain proceedings known as In the Matter of SABURO HIGA, On Habeas Corpus, No. 10506-J, and you are ordered to show cause, if any there be, why the judgment in the said cause mentioned should not be corrected, and speedy justice should not be done to the parties in that behalf.

WITNESS, the Honorable Wm. P. James, United States District Judge for the Southern District of California, this 16 day of June, 1932, and of the Independence of the United States, the one hundred and fifty-fifth.

Wm. P. James
United States District Judge for the Southern District of California.

[Endorsed]: No. 10506-J. In the United States District Court, in and for the Southern District of California, Central Division. In the matter of Saburo Higa, on habeas corpus. Citation. Received copy of the within Citation this 16 day of June, 1932. P. V. Davis, attorney for appellee. Filed Jun. 16, 1932. R. S. Zimmerman Clerk, by G. J. Murphy, Deputy Clerk. J. Edward Keating and Theodore E. Bowen, attorneys at law, 1212 Chapman Building, Los Angeles, Cal. Trinity 7033, attorneys for petitioner & appellant.

IN THE DISTRICT COURT OF THE UNITED
STATES SOUTHERN DISTRICT OF CALI-
FORNIA CENTRAL DIVISION

IN THE MATTER OF THE) PETITION FOR
APPLICATION OF SABURO) WRIT OF
HIGA, ALIEN, FOR WRIT) HABEAS CORPUS
OF HABEAS CORPUS,)

To the United States District Court, Southern District
of California;

The petition of Saburo Higa respectfully shows:

That Saburo Higa is imprisoned, detained, confined and restrained of his liberty by Walter E. Carr, United States Immigrant Inspector in Charge for the district of Southern California, in the City of Los Angeles, State of California; that said imprisonment, detention and confinement are illegal; that the illegality thereof consists of this:

That petitioner applied for admission to the United States, as a student, and was admitted as such. He at-

tended the University of Washington for three years, and has about a year and a half to finish. He worked during the vacation of 1930, and feeling mentally fatigued, decided not to attend school until the following term. He left this message with the Registrar of students at the University of Washington, and intended to return for the fall term of 1931. In the meantime he had worked at several places for short periods to secure a little money with which to carry on his education and on which to live. He worked about four months, except for the Summer vacation period. Because he was found working, the inspector arrested him. A hearing was had, and the Inspector recommended that he be deported on the ground he had failed to maintain his status as a student. This contention was upheld by the Department of Labor. It is earnestly contended that there is no evidence to show that he abandoned his status as a student or sustain the finding of the Inspector to that effect; That he is wrongfully now imprisoned and detained by Walter E. Carr, who threatens to deport him on or about July 20, 1931, and to put him on a boat bound for Japan on or about said date. That unless a Writ of Habeas Corpus is issued forthwith, said petitioner will be deported on or about July 20, 1931, and will not be able to present the matter to this Honorable Court.

That said Saburo Higa is not held by virtue of any complaint, indictment, presentment, warrant, quarantine law, rule, regulation or order except as above specifically set out; that no other applications for a Writ of Habeas Corpus have been made by or on behalf of petitioner.

WHEREFORE, your petitioner prays that a Writ of Habeas Corpus may be granted directed to said Walter E. Carr, commanding him to have the body of Saburo Higa before this court at a time and place therein to be specified, to do and receive what shall then and there be considered by said Court concerning said Saburo Higa, together with the time and cause of his detention, and said writ; and that said Saburo Higa may be restored to his liberty.

Dated: July 15 1931.

Saburo Higa
Petitioner

J. Marion Wright

Attorney for Petitioner

State of California,)
County of Los Angeles,) ss.

SABURO HIGA being by me first duly sworn, deposes and says: That he is the Petitioner in the above entitled action; that he has heard read the foregoing Petition and knows the contents thereof; and that the same is true of his own knowledge, except as to the matters which are therein stated upon his information or belief, and as to those matters he believes it to be true.

Saburo Higa

Subscribed and sworn to before me this 15 day of July, 1931.

[Seal]

John M. Yahiro,

Notary public in and for the County of Los Angeles,
State of California.

My Commission Expires March 23, 1935.

[Endorsed]: Original No. 10506-J. In the District Court of the United States Southern District Central Division In the Matter of the Application of Saburo Higa, Alien, for Writ of Habeas Corpus Petition for Writ of Habeas Corpus Received copy of the within this 17 day of July, 1930 A Del Guercio Attorney for U. S. I. S. Filed Jul 15 1931 R. S. Zimmerman, Clerk By G. J. Murphy, Deputy Clerk J. Marion Wright 1027 Citizens National Bank Bldg. Los Angeles FAber 1969 Attorney for Petitioner

IN THE DISTRICT COURT OF THE UNITED STATES SOUTHERN DISTRICT OF CALIFORNIA CENTRAL DIVISION

IN THE MATTER OF THE)	ORDER FOR THE
APPLICATION OF SABURO)	ISSURANCE OF
HIGA, ALIEN, FOR WRIT)	WRIT AND FIX-
OF HABEAS CORPUS.)	ING BAIL

Let the Writ issue as prayed for, returnable before this court in Court room of Judge James on July 27, 1931, at ten o'clock a. m., and in the meantime, the petitioner may be admitted to bail upon giving bail in the sum of \$1000.00, which bail shall first be approved by the Court.

Dated: July 16th, 1931.

Paul J. McCormick
United States District Judge

[Endorsed]: Original No. 10506J In the District Court of the United States Southern District of California Central Division In the Matter of the Application of Saburo Higa, Alien, for Writ of

Habeas Corpus Order for the Issuance of Writ and Fixing Bail Filed Jul 15 1931 R. S. Zimmerman, Clerk by G. J. Murphy, Deputy Clerk Received copy of the within.....this 17 day of July 1931 A. Del Guercio U. S. I. S. J. Marion Wright 1027 Citizens National Bank Bldg. Los Angeles FAber 1969 Attorney for Petitioner.

IN THE DISTRICT COURT OF THE UNITED STATES SOUTHERN DISTRICT OF CALIFORNIA CENTRAL DIVISION

IN THE MATTER OF THE)
APPLICATION OF SABURO) WRIT OF
HIGA, ALIEN, FOR WRIT) HABEAS CORPUS
OF HABEAS CORPUS.)

THE UNITED STATES OF AMERICA TO WALTER E. CARR, UNITED STATES IMMIGRANT INSPECTOR, GREETINGS:

WE COMMAND YOU that you have the body of Saburo Higa, by you imprisoned and detained, as it is said, together with the time and cause of such imprisonment and detention, by whatsoever name said Saburo Higa shall be called or charged, before the Honorable Wm. P. James, a judge of the United States District Court in and for the Southern District of California, Central Division, at his court room in the Federal Building, Los Angeles, California, on the 27th day of July, 1931, at ten o'clock a. m. of that day, to do and receive what shall then and there be considered concerning said Saburo Higa. And have you then and there this writ.

WITNESS, the Honorable Wm. P. James, Judge of the United States District Court, this 15th day of July, 1931.

ATTEST my hand and the seal of said Court the day and year last above written.

[Seal]

R. S. Zimmerman

Clerk of the above entitled Court

By G. J. Murphy, Deputy

[Endorsed]: Original No. 10506J In the District Court of the United States Southern District of California Central Division In the Matter of the Application of Saburo Higa, Alien, for Writ of Habeas Corpus Writ of Habeas Corpus. Filed Jul 15 1931 R. S. Zimmerman, Clerk By G. J. Murphy, Deputy Clerk Received copy of the within this 17 day of July, 193.... A. Del Guercio U. S. I. S. J. Marion Wright 1027 Citizens National Bank Bldg. Los Angeles FAber 1969 Attorney for Petitioner

IN THE DISTRICT COURT OF THE UNITED STATES, IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA, CENTRAL DIVISION.

In the Matter of)	No. 10506-J
SABURO HIGA)	RETURN TO WRIT OF
On Habeas Corpus)	HABEAS CORPUS

I, WALTER E. CARR, District Director of Immigration at Los Angeles, California, Respondent herein, for my Return to Writ of Habeas Corpus heretofore issued, deny that I am unlawfully imprisoning, detaining, confining and restraining of his liberty Saburo Higa, Pe-

itioner herein. Said Petitioner is now at liberty under bond furnished by this Honorable Court. It is impossible, therefore for Respondent to produce said Petitioner in this Honorable Court on this, the 27th day of July, 1931 in compliance with Writ of Habeas Corpus issued herein.

While denying that he is unlawfully imprisoning, detaining, confining and restraining the aforesaid Petitioner of his liberty, Respondent admits that he holds a warrant issued by the Assistant Secretary of Labor, on the 6th day of July 1931 directing Respondent to deport said Petitioner to Japan, the country whence he came and Respondent was preparing to execute the warrant of deportation when this Habeas Corpus proceeding was instituted. Copy of said warrant of deportation if attached hereto.

WALTER E. CARR

Walter E. Carr

District Director of Immigration
Los Angeles, California Respondent

WARRANT—DEPORTATION OF ALIEN
UNITED STATES OF AMERICA

DEPARTMENT OF LABOR COPY
WASHINGTON

No. 31270/2777

To: 55755/758

DISTRICT DIRECTOR OF IMMIGRATION, Los Angeles, Calif., COMMISSIONER OF IMMIGRATION, Angel Island Station, San Francisco, Calif.

Or to any Officer or Employee of the United States Immigration Service.

WHEREAS, from proofs submitted to me, Assistant to the Secretary, after due hearing before Immigrant

Inspector Albert Del Guercio, held at Los Angeles, Calif., I have become satisfied that the alien SABURO HIGA, who landed at the port of Seattle, Wash., on the 15th day of September, 1927 has been found in the United States in violation of the immigration act of May 26, 1924, to wit:

That he has remained in the United States after failing to maintain the exempt status of student under which he was admitted. and may be deported in accordance therewith:

I, F. F. SNYDER, Assistant to the Secretary of Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to return the said alien to Japan the country whence he came, at the expense of the appropriation, "Salaries and Expenses, Bureau of Immigration, 1932", including the expenses of an attendant, if necessary.

For so doing, this shall be your sufficient warrant.

WITNESS my hand and seal this 6th day of July, 1931

Assistant to the Secretary of Labor

[Endorsed]: No. 10506-J-Cr. In the District Court of the United States for the Southern District of California Central Division United States of America vs. Saburo Higa Return to Writ of Habeas Corpus Filed July 27, 1931 R. S. Zimmerman, Clerk By Murray E. Wire, Deputy

At a stated term, to wit: The FEBRUARY Term, A. D. 1932, of the District Court of the United States of America, within and for the CENTRAL Division of the Southern District of California, held at the Court Room thereof, in the City of LOS ANGELES on FRIDAY the 18th day of MARCH in the year of our Lord one thousand nine hundred and thirty-two

Present:

The Honorable WM. P. JAMES, District Judge.

In the Matter of the petition)
of Saburo Higa) No. 10,506-J-Crim.
for habeas corpus)

Petitioner herein having heretofore presented his petition asking that he be discharged from the custody of the immigration officers, and the issues presented by said petition and the return as made by the Immigration Department having been considered and submitted to the court for decision after argument of counsel, and the court having examined the same and being advised in the premises now orders that the petition of Saburo Higa be, and it is denied and the petitioner is remanded to the custody of the officers of the Immigration Department.

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA, CENTRAL DIVISION.

In the Matter of) No. 10506-J.
SABURO HIGA,) PETITION FOR APPEAL.
On Habeas Corpus.)
_____)

SABURO HIGA, petitioner above named, deeming himself aggrieved by the order and judgment entered herein on the 18th day of March, 1932, does hereby appeal from said order and judgment to the United

States Circuit Court of Appeals, for the Ninth Circuit, and prays that a transcript and record of proceedings and papers on which said order and judgment was made, duly authenticated, may be sent to the United States Circuit Court of Appeals, for the Ninth Judicial Circuit of the United States.

DATED: June 16, 1932.

J. Edw. Keating
 J. Edward Keating
 and
 Theodore E. Bowen
 Theodore E. Bowen
 Attorneys for Petitioner.

[Endorsed]: No.10506-J. In the United States District Court, in and for the Southern District of California, Central Division. In the Matter of Saburo Higa, on habeas corpus Petition for Appeal. Received copy of the within Petition this 16 day of June, 1932. P. V. Davis, attorney for appellee. Filed Jun. 16, 1932. R. S. Zimmerman, Clerk, by G. J. Murphy, Deputy Clerk. J. Edward Keating and Theodore E. Bowen, attorneys at law 1212 Chapman Building, Los Angeles, Cal. Trinity 7033. Attorneys for petitioner & appellant.

IN THE DISTRICT COURT OF THE UNITED
 STATES IN AND FOR THE SOUTHERN DIS-
 TRICT OF CALIFORNIA, CENTRAL
 DIVISION.

In the Matter of) No. 10506-J.
 SABURO HIGA,) ASSIGNMENTS OF ERROR.
 On Habeas Corpus.)
 _____)

Comes now Saburo Higa, petitioner herein, and assigns error in the decision of the said District Court for the Southern District of California, Central Division, as follows:

I.

The court erred in remanding Saburo Higa to the custody of the United States Immigration Service for deportation.

II.

The court erred in holding and deciding that the writ of habeas corpus should be dismissed and discharged.

III.

The court erred in holding and deciding that there was some evidence to sustain the findings upon which the warrant of the Secretary of Labor of the United States for the deportation of Saburo Higa was based.

IV.

The court erred in holding and deciding that Saburo Higa was given a fair hearing before the United States Immigration Service.

V.

The court erred in holding and deciding that Saburo Higa had overstayed his time in the United States.

VI.

The court erred in holding and deciding that the findings upon which the warrant of deportation is based are sufficient to sustain said warrant of deportation.

VII.

The court erred in holding and deciding that Saburo Higa was not a bona fide student and entitled to remain in the United States as such.

DATED: June 16, 1932.

J. Edw Keating

J. Edward Keating

and

Theodore E. Bowen

Theodore E. Bowen

Attorneys for Petitioner

[Endorsed]: No. 10506-J. In the United States District Court, in and for the Southern District of California, Central Division. In the Matter of Saburo Higa, on habeas corpus. Assignments of Error. Received copy of the within Assignments of Error this 16 day of June, 1932. P. V. Davis, attorney for appellee. Filed Jun. 16, 1932. R. S. Zimmerman, Clerk, by G. J. Murphy, Deputy Clerk. J. Edward Keating and Theodore E. Bowen, attorneys at law 1212 Chapman Building Los Angeles, Cal. Trinity 7033, Attorneys for petitioner & appellant.

—————

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA, CENTRAL DIVISION.

In the Matter of	)	No. 10506-J.
SABURO HIGA,	)	ORDER ALLOWING APPEAL
On Habeas Corpus.	)	AND FIXING CUSTODY
—————)	)	OF SABURO HIGA.

Now, to-wit, on the 16 day of June, 1932, it is ordered that the appeal be allowed as prayed for; and it is further ordered that Saburo Higa, pending said appeal, shall be released upon the giving of a good and sufficient bond in the sum of One Thousand Dollars (\$1,000.00).

It is further ordered that the amount of cost bond on said appeal be, and hereby is, fixed in the sum of Two Hundred Fifty Dollars (\$250.00), to be conditioned as required by law and the rules of this court.

Done in open court this 16 day of June, 1932.

Wm. P. James,
Judge.

[Endorsed]: No. 10506-J. In the United States District Court, in and for the Southern District of California, Central Division. In the Matter of Saburo Higa, on habeas corpus. Order Allowing Appeal and Fixing Custody of Saburo Higa. Received copy of the within Order Allowing Appeal this 16 day of June, 1932. P. V. Davis, Attorney for Appellee. Filed Jun. 16, 1932. R. S. Zimmerman, Clerk, by G. J. Murphy, Deputy Clerk. J. Edward Keating and Theodore E. Bowen, Attorneys at law, 1212 Chapman Building, Los Angeles, Cal. Trinity 7033, Attorneys for petitioner & appellant.

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA, CENTRAL DIVISION.

In the Matter of) SABURO HIGA,) On Habeas Corpus.) <hr style="width: 80%; margin-left: 0;"/>)))))	No. 10506-J. STIPULATION REGARDING ORIGINAL RECORDS AND FILES OF DEPARTMENT OF LABOR.
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IT IS HEREBY STIPULATED AND AGREED by and between J. Edward Keating and Theodore E. Bowen, Attorneys for Saburo Higa, appellant, and S. W. McNabb, Attorney for A. E. Burnett, District Director of the Immigration Service, Appellee, that the original files and records of the Department of Labor covering the deportation proceedings against the petitioner, which were filed in the hearing in the above entitled cause, may be by the Clerk of this Court sent up to the Clerk of the Circuit Court of Appeals for the Ninth Circuit,

as part of the Appellate record, in order that the said original immigration files may be considered by the Circuit Court of Appeals for the Ninth Circuit in lieu of a certified copy of said records and files and that said original records may be transmitted as part of the Appellate record.

DATED: June 16, 1932.

J. Edw. Keating
 J. Edward Keating
 and
 Theodore E. Bowen
 Theodore E. Bowen
 Attorneys for Petitioner
 and Appellant.

S. W. McNABB, U. S. Attorney
 By P. V. Davis
 Assistant U. S. Attorney
 Attorney for Respondent and
 Appellee.

[Endorsed]: No. 10506-J. In the United States District Court in and for the Southern District of California, Central Division. In the Matter of Saburo Higa, on habeas corpus Stipulation Regarding Original Records and Files of Department of Labor Received copy of the within this 16 day of June, 1932 P. V. Davis, Asst. U. S. Atty. Filed Jun 16, 1932 R. S. Zimmerman, Clerk, by G. J. Murphy Deputy Clerk. J. Edward Keating and Theodore E. Bowen, attorneys at law, 1212 Chapman Building, Los Angeles, Cal. Trinity 7033, Attorneys for petitioner & appellant.

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA, CENTRAL DIVISION.

In the Matter of) No. 10506-J.
SABURO HIGA,) ORDER FOR TRANSMISSION
On Habeas Corpus.) OF ORIGINAL EXHIBITS.
-----)

ON STIPULATION OF COUNSEL, it is by the court ordered that the original records in the United States Immigration office filed herein on the hearing of the return of the respondent, A. E. Burnett, District Director of the United States Immigration Service, to the writ of habeas corpus, be transmitted by the Clerk of this Court to the United States Circuit Court of Appeals for the Ninth Circuit, as original exhibits in lieu of a certified copy of said records and files and that the same need not be printed.

DATED: June 16, 1932.

Wm. P. James
United States District Judge

[Endorsed]: No. 10506-J. In the United States District Court in and for the Southern District of California, Central Division. In the Matter of Saburo Higa, on habeas corpus Order for Transmission of Original Exhibits. Received copy of the within Order this 16 day of June, 1932 P. V. Davis, Attorney for Appellee. Filed Jun 16, 1932 R. S. Zimmerman, Clerk, by G. J. Murphy Deputy Clerk. J. Edward Keating and Theodore E. Bowen, attorneys at law, 1212 Chapman Building, Los Angeles, Cal. Trinity 7033, Attorneys for petitioner & appellant.

IN THE DISTRICT COURT OF THE UNITED
STATES IN AND FOR THE SOUTHERN DIS-
TRICT OF CALIFORNIA CENTRAL
DIVISION

In the Matter of	)	No. 10506-J
SABURO HIGA	)	BAIL BOND PENDING
on Writ of Habeas Corpus)		APPEAL

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, PUBLIC INDEMNITY COMPANY, a NEW JERSEY CORPORATION, is held and firmly bound unto A. E. Burnett, District Director of District No. 31, Immigration Service, and the United States of America, in the full and just sum of ONE THOUSAND & NO/100 (\$1000.00) DOLLARS, to be paid to the said A. E. Burnett, District Director *Director* aforesaid, and the United States of America, or their certain attorney, executors, administrators or assigns; to which payment well and truly to be made we bind ourselves, our heirs, executors, and administrators, jointly and severally by these presents:

Sealed with our seal and dated this 17th day of June, 1932.

WHEREAS, lately the District Court of the United States for the Southern District of California, Central Division, in a habeas corpus proceeding in said Court between petitioner SABURO HIGA, and the respondent, A. E. Burnett, District Director of Immigration, wherein an order, judgment and decree was rendered against the said SABURO HIGA, discharging the Writ of Habeas

Corpus and remanding the said alien SABURO HIGA to the custody of respondent A. E. Burnett, and the said SABURO HIGA having obtained from said court an appeal to reverse the order, judgment and decree in the aforesaid habeas corpus proceedings, and a citation directed to the said A. E. Burnett, District Director as aforesaid, citing and admonishing him to be and appear at the United States Circuit Court of Appeals for the Ninth Circuit, to be holden at San Francisco, State of California, on the.....day of.....1932.

NOW, the condition of the above obligation is such that if the said order, judgment and decree be affirmed, the said SABURO HIGA will surrender himself to A. E. Burnett District Director aforesaid, then this recognition to be void, otherwise to remain in full force and virtue.

PUBLIC INDEMNITY COMPANY,
A NEW JERSEY CORPORATION

[Seal]

By Samuel Silverman
Attorney-in-Fact

I hereby approve the foregoing bond.

Dated the 17 day of June 1932.

Wm. P. James
Judge or Clerk

[Endorsed]: No. 10506-J In the District Court of the United States in and for the Southern District of California Central Division Bail Bond on Appeal \$1000.00 Dated May 17th, 1932. Public Indemnity Company. Surety. Filed Jun 17 1932 R. S. Zimmerman, Clerk by G. J. Murphy, Deputy Clerk

IN THE DISTRICT COURT OF THE UNITED
STATES IN AND FOR THE SOUTHERN DIS-
TRICT OF CALIFORNIA CENTRAL
DIVISION

In the Matter of) No. 10506-J.
SABURO HIGA) COST BOND ON APPEAL
On Habeas Corpus.)

KNOW ALL MEN BY THESE PRESENTS: .

That the undersigned, PUBLIC INDEMNITY COMPANY, A NEW JERSEY CORPORATION, is held and firmly bound unto A. E. Burnett, District Director of District No. 31, Immigration Service, and the United States of America, in the full and just sum of Two Hundred Fifty Dollars (\$250.00), to be paid to the said A. E. Burnett, District Director aforesaid, and the United States of America, or their certain attorney, executors, administrators or assigns; to which payment well and truly to be made, we bind ourselves, our heirs, executors and administrators jointly and severally by these presents.

Sealed with our seals and dated this 17th day of June, 1932.

WHEREAS, lately the District Court of the United States, for the Southern District of California, Central Division, in a habeas corpus proceeding in said Court between petitioner, SABURO HIGA, and the respondent A. E. Burnett, District Director of Immigration as aforesaid, wherein an order, judgment and decree was rendered against the said SABURO HIGA, discharging

the Writ of Habeas Corpus and remanding the said alien, SABURO HIGA, to the custody of respondent A. E. Burnett; and the said SABURO HIGA having obtained from said Court an appeal to reverse the order, judgment and decree in the aforesaid Habeas Corpus proceeding, and a Citation directed to the said A. E. Burnett, District Director as aforesaid, citing and admonishing him to be and appear at the United States Circuit Court of Appeals for the Ninth Circuit, to be holden at San Francisco, State of California, on the day of.....1932.

NOW, the condition of the above obligation is such that if the said SABURO HIGA shall prosecute his appeal to effect and answer all costs if he fails to make his plea good, then the above obligation to be void; otherwise, to remain in full force and virtue.

PUBLIC INDEMNITY COMPANY, A NEW JERSEY CORPORATION, By Samuel Silverman

[Seal]

I hereby approve the foregoing bond.

Dated the 17 day of June 1932.

Wm. P. James

Judge or Clerk.

[Endorsed]: No. 10506-] In the District Court of the United States, in and for the Southern District of California, Central Division. Cost Bond on Appeal \$250.00 Dated May 17th, 1932 Public Indemnity Company. Filed Jun 17 1932 R. S. Zimmerman, Clerk by G. J. Murphy, Deputy Clerk

IN THE DISTRICT COURT OF THE UNITED
STATES IN AND FOR THE SOUTHERN DIS-
TRICT OF CALIFORNIA, CENTRAL
DIVISION.

In the Matter of	)	No. 10506-J.
SABURO HIGA,	)	PRAECIPE FOR TRAN-
On Habeas Corpus.	)	SCRIPT OF RECORD ON
<hr/>	)	APPEAL.

TO THE CLERK OF THE ABOVE ENTITLED
COURT:

You will please prepare and duly authenticate the transcript and following portions of the record in the above entitled case for appeal of the said appellant heretofore filed with the United States Circuit Court of Appeals for the Ninth Circuit:

1. Complaint and petition for Writ of Habeas Corpus.
2. Order granting Writ of Habeas Corpus, and regarding custody of Saburo Higa pending hearing thereon.
3. Writ of Habeas Corpus.
4. Return to Writ of Habeas Corpus.
5. Order Discharging Writ of Habeas Corpus and Remanding Saburo Higa.
6. Petition for Appeal.
7. Order Allowing Appeal and Fixing Custody of Saburo Higa.
8. Assignments of Error.
9. Stipulation that Original Files and Records in the Department of Labor be sent to the Clerk of the Circuit Court as part of the Appellate Record.

10. Order for transmission of Original Exhibits.
11. Cost Bond on Appeal, and Bail Bond on Appeal.
12. Citation.
13. This Praecipe.

DATED: June 16, 1932.

J. Edw. Keating

J. Edward Keating

and

Theodore E. Bowen

Theodore E. Bowen

Attorneys for Petitioner.

[Endorsed]: No. 10506-J. In the United States District Court, in and for the Southern District of California, Central Division. In the Matter of Saburo Higa, on habeas corpus. Praecipe for Transcript of Record on Appeal. Received copy of the within Praecipe this 16 day of June, 1932. P. V. Davis, Attorney for Appellee. Filed Jun. 16, 1932, R. S. Zimmerman, Clerk, by G. J. Murphy, Deputy Clerk. J. Edward Keating and Theodore E. Bowen, attorneys at law, 1212 Chapman Building, Los Angeles, Cal. Trinity 7033 Attorneys for petitioner & appellant.

IN THE DISTRICT COURT OF THE UNITED
STATES IN AND FOR THE SOUTHERN DIS-
TRICT OF CALIFORNIA, CENTRAL
DIVISION.

In the Matter of) SABURO HIGA,) On Habeas Corpus.) <hr style="width: 80%; margin-left: 0;"/>	No. 10506-J. CLERK'S CERTIFICATE.
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I, R. S. Zimmerman, clerk of the United States District Court for the Southern District of California, do hereby certify the foregoing volume containing 23 pages, numbered from 1 to 23 inclusive, to be the Transcript of Record on Appeal in the above entitled cause, as printed by the appellant, and presented to me for comparison and certification, and that the same has been compared and corrected by me and contains a full, true and correct copy of the citation; petition for writ of habeas corpus; order granting writ of habeas corpus and fixing bail; writ of habeas corpus; return to writ of habeas corpus; order discharging writ of habeas corpus; petition for appeal; assignment of errors; order allowing appeal; stipulation regarding original records; order for transmission of original records; bail bond; cost bond and praecipe.

I DO FURTHER CERTIFY that the fees of the Clerk for comparing, correcting and certifying the foregoing Record on Appeal amount to.....and that said amount has been paid me by the appellant herein.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the District Court of the United States of America, in and for the Southern District of California, Central Division, this..... day of July in the year of Our Lord One Thousand Nine Hundred and Thirty-two, and of our Independence the One Hundred and Fifty-seventh.

R. S. ZIMMERMAN,

Clerk of the District Court of the United States of America, in and for the Southern District of California.

By

Deputy.

